



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,885	03/04/2002	Christopher M. Osborne	052833-5012	1879

9629 7590 08/05/2003

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,885

Applicant(s)

OSBORNE, CHRISTOPHER M.

Examiner

Meredith C Petravick

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-3 and 12-21 is/are rejected.
- 7) ☐ Claim(s) 4-11 and 22-31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

Art Unit: 3671

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. In paragraph 38, line 2, "the main deck component 24" should be -- the main deck component 22--.

Appropriate correction is required.

Claim Objections

2. Claim 13 objected to because of the following informalities:
 - b. Claim 13, line 4, "the engine deck" should be --the engine bed--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3671

4. Claim 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Scanland 4,422,283.

Scanland discloses a lawnmower deck including:

- a deck sub-assembly with a top surface (includes 13) and a skirt (20)
- a cutting chamber (18)
- a front pair of wheel mounts and a rear pair of wheel mounts (Fig. 1)
- a stiffener (30, 31, 21, and 22)

The skirt encircles the top surface and defines the cutting chamber and wheel mounts. The stiffener is connected to the top surface. The combined stiffness of the deck sub-assembly and the stiffener is approximately 20% greater than just the stiffness of the deck sub-assembly.

In regards to claim 2, the stiffener includes two side stiffener section (30, 31) and two transverse stiffener sections (21, 22) that are connected to the side stiffeners sections.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 12 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanland in view of Zener 4,930,298.

- Scanland discloses the device as detailed above.

Art Unit: 3671

However, the combination fails to disclose providing a cover.

Like the Scanland, Zenner discloses a mower deck that has the prime mover mounted on the top surface of the deck. Unlike the combination, Zenner discloses providing a cover over the top surface of the deck. Zenner teaches that the cover provides safety to the operator and protection from debris for the prime mover (Column 2, lines 29-40).

Given the teachings in Zenner, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mower deck of Scanland with a cover as in Zenner, in order to increase safety for the operator and facilitate protection of the prime mover from debris.

In regards to claim 12, in Scanland, the stiffener is received in a channel (32, 33) on the deck.

In regards to claim 18, Scanland also discloses:

- a discharge chute (25) in communication with the cutting chamber
- a prime mover (12) on the engine bed
- a handle (62) connected to the deck

In regards to claim 19, in Scanland, the stiffener encircles the engine bed (Fig. 1).

In regards to claim 20, in Scanland, the stiffener has two side stiffener section (30, 31) and two transverse stiffener sections (21, 22) that are connected to the side stiffeners sections.

In regards to claim 21, in Scanland, the stiffeners extend between each of the wheel mounts (Fig. 1).

Art Unit: 3671

7. Claims 13-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanland in view of Sebben 5,257,908

Scanland discloses the device as detailed above. However, Scanland discloses making the deck from lightweight metal instead of plastic as claimed.

Like Scanland, Sebben discloses a lightweight mower deck. Unlike Scanland, Sebben teaches that making the deck from plastic is better than making the deck from metal. Sebben teaches that a plastic mower deck is resistant to wear and corrosion (Column 1, line 10 - Column 2, line 2).

Given the teaching is Sebben, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the mower deck of Scanland from plastic as in Sebben, in order to increase wear and corrosion resistance.

In regards to claim 14, the means for resisting flexion includes a stiffener (30, 31, 21, 22), which is connected to the mower deck.

In regards to claim 16, the means for resisting flexion includes a pair of handle mounts (60, 61).

In regards to claim 17, the means for resisting flexion include ribs (portion next to 23 and 24) on either side of stiffener portion (21). This is between the front pair of wheel mounts (Fig. 1).

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scanland in view of Sebben as applied to claim 15 above, and further in view of Zenner.

Art Unit: 3671

The combination of Scanland and Sebben discloses the device as detailed above.

However, the combination fails to disclose providing a cover.

Like the combination, Zenner discloses a mower deck that has the prime mover mounted on the top surface of the deck. Unlike the combination, Zenner discloses providing a cover over the top surface of the deck. Zenner teaches that the cover provides safety to the operator and protection from debris for the prime mover (Column 2, lines 29-40).

Given the teachings in Zenner, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mower deck of the combination with a cover as in Zenner, in order to increase safety for the operator and facilitate protection of the prime move from debris.

Allowable Subject Matter

9. Claims 4-11 and 22-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3671

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047.

The examiner can normally be reached on Monday-Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.



Meredith Petravick
Patent Examiner
Group Art Unit 3671

MCP
July 31, 2003